



W.A(MD) No.548 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

W.A(MD) No.548 of 2021

V.Thuraiswamy

... Appellant

Vs.

- 1.The Commissioner of Revenue Administration,
Ezhilagam,
Chennai-5.
- 2.The District Revenue Officer,
Kanyakumari District,
Nagercoil.
- 3.The Revenue Divisional Officer,
Nagercoil.
- 4.The Tahsildar,
Thovalai Taluk,
Boothapandy,
Kanyakumari District.
- 5.The Special Tahsildar / Enquiry Officer,
Thovalai Taluk,
Boothapandy,
Kanyakumari District.



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6.The Revenue Inspector,
Azhagiapandiapuram Firka,
Kanyakumari District.

7.The Assistant Director of Mines and Minerals,
Collectorate Campus,
Nagercoil.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court against the order of this Court dated 09.11.2020 made in W.P.(MD)No.6328 of 2011

For Appellant : Mr.C.T.Perumal

For Respondents : Mr.A.Baskaran
Additional Government Pleader
for R1 to R6

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The unsuccessful writ petitioner is the appellant before us. The appellant was working as Village Administrative Officer in Arumanalloor Village in Kanyakumari District. He was issued with charge memo dated 26.12.2006. It contained the following articles of charge.



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Armed No. AG 9398/2006

DATED: 26.12.2006

The undersigned proposes to hold an inquiry against Thiru V Duraiswamy formerly Village Administrative Officer, Arumanakottam village, Chevalai Taluk, now under suspension under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The substance of allegations namely, the imputations of misconduct or mis-behaviour in respect of which the inquiry proposed to be held is set out in Annexure. I. A statement of allegations namely, the imputations of misconduct or mis-behaviour in support of each charge is enclosed in Annexure. II. A list of documents by which and a list of witnesses by whom the charges are proposed to be sustained are also enclosed in Annexures. III and IV respectively. Any other witnesses and documents which are found necessary will be examined during the course of inquiry.

2) Thiru V. Duraiswamy, Village Administrative Officer, now under suspension is directed to submit within 21 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires oral inquiry to be heard in person or both. If the written statement of defence along with the questionnaire duly filled in is not received within the stipulated time it will be presumed that he has nothing to offer in his defence and further action will be pursued. Necessary form of questionnaire is enclosed.

3) Thiru V. Duraiswamy, Village Administrative Officer, now under suspension is informed that an oral inquiry will be held and oral evidence shall be heard only in respect of such charges as are not admitted by him. He should therefore specifically admit or deny each charge.

4) Thiru V. Duraiswamy, Village Administrative Officer, now under suspension is further informed that if he does not submit his written statement of defence on or before the time limit specified in paragraph 2 above or does not appear in person before the enquiring authority or otherwise fails or refuses to comply with the provisions of rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or the



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orders or directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him co-partner.

5) The attention of Thiru V. Duraiswamy, Village Administrative Officer, now under suspension is invited to rule 18 of the Tamil Nadu Government Servants' Conduct Rules 1973 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from any other person in respect of any matter dealt within these proceedings it will be presumed that Thiru V. Duraiswamy, Village Administrative Officer, now under suspension is aware of such representations and that it has been made at his instance and action will be taken against him for violation of rule 18 of the Tamil Nadu Government Servants' Conduct Rules 1973.

6) The receipt of this memorandum shall be acknowledged.

2. The petitioner offered his explanation on 03.01.2007. Not satisfied with the same, he was placed under suspension on 29.01.2007. Enquiry was conducted and the enquiry officer rendered a finding that the charges framed against the appellant stood established. Copy of the enquiry report dated 10.08.2007 was served on the appellant and his further representation was also obtained. The disciplinary authority / RDO, Nagercoil vide order dated 20.12.2007 concurred with the findings of the enquiry officer and imposed the punishment of dismissal from service. Earlier, the appellant had reached the age of superannuation on



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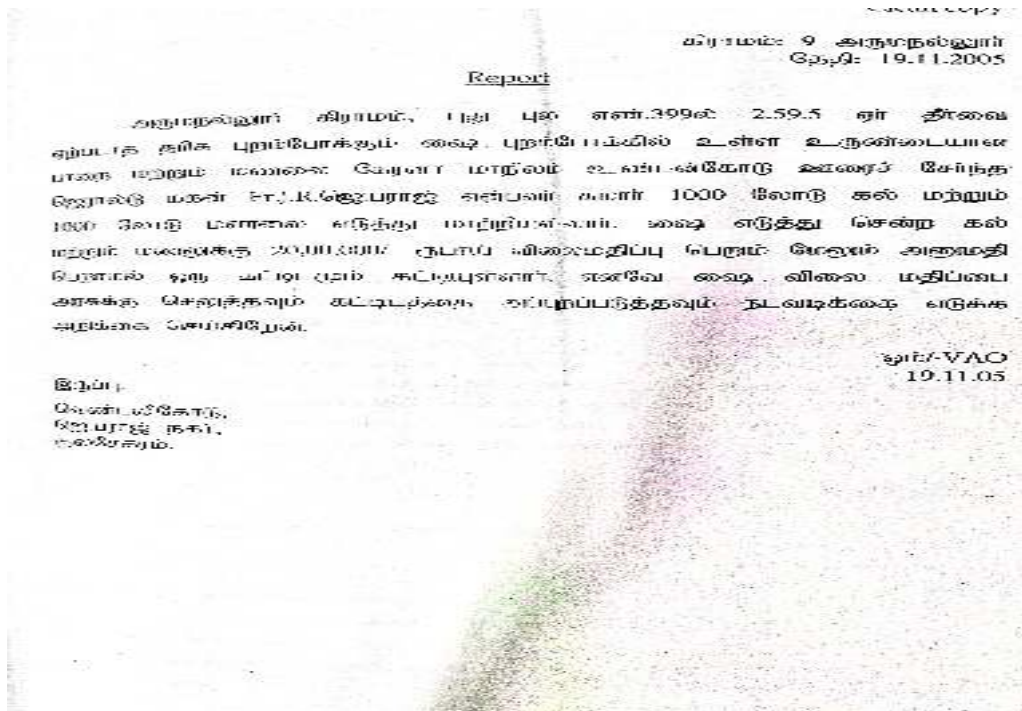
31.01.2007 but was retained in service. Challenging the order of dismissal, the appellant filed an appeal before the District Revenue Officer, Nagercoil. The appellate authority dismissed the appeal vide order dated 15.04.2009. Challenging the same, the appellant filed revision before the Commissioner of Revenue Administration, Ezhilagam Chennai-5. The revisional authority dismissed the revision petition on 13.07.2010. Challenging these orders, the appellant filed W.P.(MD)No. 6328 of 2011. The learned single Judge vide order dated 09.11.2020 dismissed the writ petition. Aggrieved by the same, this writ appeal has been filed.

3. The charge against the appellant was that he had knowingly allowed one Jeyaraj S/o.Jerold to indulge in illicit stone quarrying and built a house on a Government poromboke land. In other words, the appellant was charged with having failed to stop this unauthorized encroachment. As a result, the Government was unable to distribute two acres of land to the landless poor. It came to the knowledge of the authorities when the RDO, Nagercoil conducted field inspection on 02.12.2006.



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4. The specific defence of the appellant was that he had already submitted a report as early as on 19.11.2005 and that the charge against him is without any basis. The learned single Judge had dismissed the writ petition on the sole footing that the appellant failed to furnish even an iota of proof in support of his claim that he had already brought the factum of encroachment to the knowledge of the authority concerned. The learned counsel for the appellant drew our attention to the report dated 19.11.2005 enclosed at Page No.1 of the typed set of papers. The report reads as follows:-





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4. We wanted to know if this report was actually lodged before the authority concerned. The learned counsel drew our attention to the stand taken in the counter affidavit. In the counter affidavit, the authorities conceded that the appellant had given such a report. But then, according to them, it was rather vague and referred only to the illicit quarrying. We fail to understand as to how the appellant's report could have been characterized as vague. Even a reading of the report would indicate that the appellant had furnished all the specific particulars. It is seen from the report that the appellant had specifically pointed out that Thiru.Jeyaraj had taken about 1000 loads of stone as well as 1000 loads of sand and that their value would be around Rs.20,00,000/-. He would point out that without getting permission, he also constructed a house. We fail to understand what more information, the appellant can furnish beyond what he has done.

5. We called upon the learned Additional Government Pleader to inform us if the unauthorized building has since been demolished. We are shocked to notice that the building stands even as on date. It is a storied



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construction that has been put up on a Government poramboke land.

When the authorities have not chosen to remove the unauthorized construction for full two decades and more, they have chosen to put the blame on the appellant VAO who had acted in accordance with law. It is very unfortunate that the VAO who had been alert enough to draw attention of the superiors had been penalized.

6. It is further seen after the petitioner lodged his report before the Revenue Inspector, Azhagiapandiapuram, the Revenue Inspector in turn lodged the report before the Tahsildar, Thovalai. The Tahsildar, Thovalai, vide communication bearing A3/12165/2005, dated 22.11.2005, called upon the Assistant Director of Geology and Mining, Nagercoil to take action in the matter. These three documents clinchingly prove that the appellant had more than discharged his duty.

7. In this view of the matter, the orders impugned in the writ petition as well as the order of the learned single Judge is set aside. The appellant will be with disbursed all his pensionary and other retirement benefits. The arrears will be paid within a period of twelve weeks from



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the date of receipt of a copy of this order. If the arrears are paid within the said period, it will not carry interest. The Writ Appeal is allowed accordingly. No costs.

(G.R.S., J.) (R.K.M., J.)
05.02.2026

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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